IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

FRIDAY, THE 9TH MARCH 2007 / 18TH PHALGUNA 1928

Bail Appl..No. 1411 of 2007()

CMP.1063/2007 of J.M.F.C.-II,NEDUMANGAD
CRIME NO.34/2007 OF VITHURA POLICE STATION

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: PETITIONERS/ACCUSED 1 & 2

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1. VIJAYAKUMARAN NAIR, S/O. BALAKRISHNAN NAIR, SANKARA BHAVAN, KOCHU MOOLACHIRA, ANAPPARA, VITHURA.

2. REMESAN NAIR, S/O. KESAVAPILLAI, ANU BHAVAN, ANAPPARA, VITHURA.

BY ADV. SRI.A.RAJASIMHAN

RESPONDENTS: COMPLAINANT

SUB INSPECTOR OF POLICE,
VITHURA POLICE STATION, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 09/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V.RAMKUMAR, J.

Bail Application No. 1411/2007

Dated this 9th day of March, 2007

O R D E R

The petitioners who are accused Nos. 1 and 2 in Crime No.34/2007 of Vithura Police Station for offences punishable under Sections 323, 379 and 447 IPC read with Section 34 IPC, seek anticipatory bail.

2. The learned Public Prosecutor opposed the application.

3. The occurrence took place on 3.2.2007 at 2.00 p.m, when the petitioners demanded money to the defacto complainant, a lady, allegedly due to a rubber tapper, the brother of the second accused, and they assaulted the defacto complainant consequent on she refusing to pay the money. The portion of her gold chain is also alleged to have snatched by the petitioners.

4. Even though anticipatory bail cannot be granted in a case of this nature, I am inclined to permit the petitioners to surrender before the Investigating Officer for the purpose of interrogation and then to have their applications for regular

bail, ordered by the Magistrate concerned. Accordingly, the petitioners are directed to surrender before the Investigating Officer on any day between 15.3.2007 and 17.3.2007 for the purpose of interrogation. Thereafter, the petitioners shall be produced on the same day before the concerned Magistrate, who shall release the petitioners on bail on appropriate conditions.

The application is disposed of as above.

V.RAMKUMAR,
JUDGE

mrcs